



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22302 of 2022

Raja

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Thiruchendur Police Station,
Thiruchendur,
Thoothukudi District.
Crime No.149 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Abdul Rahuman S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

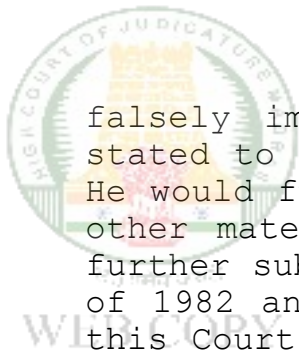
PRAYER :- To enlarge the petitioner on bail in S.C.No.241 of 2022 on the file of the learned II Additional District Sessions Court, Thoothukudi in Crime No.149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence punishable under Sections 120(b), 302, 201 and 364 IPC in S.C.No.241 of 2022 on the file of the learned II Additional District Sessions Court, Thoothukudi in Crime No.149 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.04.2022, A1 has surrendered before the Keelathiruchendur Village Administrative Officer and given a confession that A1 and the petitioner and two others have murdered the deceased namely, Mathan @ Mathankumar due to previous enmity. Therefore, the Village Administrative Officer lodged a complaint before the respondent police and the respondent registered the instant complaint and arrested the petitioners and remanded to judicial custody on 21.04.2022. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been



falsely implicated in this case based on the alleged confession stated to have been recorded by the Village Administrative Officer. He would further submit that other than the confession, there is no other material to implicate the petitioner in this case. He would further submit that the petitioner was earlier detained under Act-14 of 1982 and the petitioner had filed Habeas Corpus Petition before this Court in H.C.P.(MD)No.1011 of 2022 and the same was allowed on 30.11.2022. He would further submit that A2 has also been released on bail in Cr.M.P.No.5317 of 2022, dated 27.09.2022 by the District Sessions Court, Thoothukudi and A5 has also been released on bail by the II Additional District Sessions Court, Thoothukudi in Cr.M.P.No.6785 of 2022. He would further submit that the bail application of the petitioner was dismissed on the ground that he has got previous cases against him. He would further submit that the investigation has been completed and the case has been taken up for trial in S.C.No.241 of 2022 on the file of the learned II Additional District Sessions Court, Thoothukudi. Thereby, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and he along with other accused had murdered the deceased and thereafter, destroyed the evidence and set fire over the body and buried. He would further submit that the case was registered based on the confession of A1 to the Village Administrative Officer. Hence, he opposed for grant of bail.

5.Heard. Perused the materials available on record.

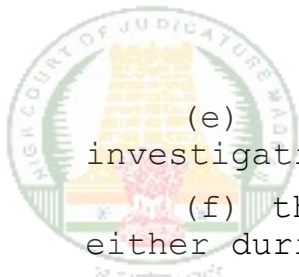
6.Taking into consideration of the facts and the submissions and the co-accused have already been enlarged on bail and the case was taken up for trial in S.C.No.241 of 2022 on the file of the learned II Additional District and Sessions Court, Thoothukudi and the petitioner is in judicial custody from 21.04.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Court, Thoothukudi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the trial Court on all working days at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;



(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/12/2022

/ TRUE COPY /

16/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ABDUL RAHUMAN S Advocate SR.No.14975

ORDER

IN

CRL OP(MD) No.22302 of 2022
Date :16/12/2022

SJI

SA/VR/SAR. /16.12.2022/3P/6C